



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REVISIONS TO FORMS 620 AND 621

WT Docket No. 20-39

Comment Date: March 13, 2020
Reply Comment Date: March 28, 2020

With this Public Notice, the Wireless Telecommunications Bureau (WTB) seeks comment on ways to improve FCC Forms 620 and 621, which are used to notify State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), other officials of Tribal Nations, and Native Hawaiian Organizations (NHOs) (collectively, Reviewers) of certain proposed wireless infrastructure projects. The information provided with these forms enables Reviewers and the Commission to assess the potential effects of those projects on historic properties, as required by Section 106 of the National Historic Preservation Act (NHPA).¹

Forms 620 and 621 have not been substantially revised since they were created in 2004.² In light of technological and regulatory changes since then, as well as many years of experience using the forms, we believe it should be possible to make them easier to complete and to review without impeding their underlying purpose.³ Clarifications to the instructions for the forms also may be useful.

Form 620 is used for proposed new towers; Form 621 is used for proposed collocations on existing structures. These forms and the instructions accompanying them require applicants to submit information that is required by the *Wireless Facilities NPA* for each proposed new tower or collocation. We seek comment on whether to modify any of the forms' organization, format (including format for downloading or printing out forms), or instructions (including specifications of required attachments). We also invite commenters to address potential changes that might make the forms or attachments more suitable for reviews of small cell facilities being deployed in connection with the introduction of 5G technologies and services.⁴

¹ 54 U.S.C. § 306108; *see also* 36 CFR Part 800 (Advisory Council on Historic Preservation (ACHP) rules). 47 CFR §§ 1.1307(a)(4), 1.1320 (Commission rules governing historic-preservation review process).

² *National Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, 20 FCC Rcd 1073 (2004) (*2004 NPA Order*), *pet. for review denied*, *CTIA v. FCC*, 466 F.3d 105 (D.C. Cir. 2006); *see also* National Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission, 47 CFR Part 1, App. C (*Wireless Facilities NPA*).

³ We do not seek comment on changes to the substantive requirements set forth in the Commission's rules, orders, or program alternatives approved by ACHP. *See* 47 CFR §§ 0.131(e), 0.331 (defining scope of WTB's delegated authority); *cf.* *Completing the Transition to Electronic Filing*, Notice of Proposed Rulemaking, 34 FCC Rcd 8397 (2019) (seeking comment on applicants' electronic filing obligations with regard to Forms 620, 621, and others).

⁴ *See, e.g., Communications Marketplace Report*, 33 FCC Rcd 12558, 12589, para. 35 (2018) (discussing the need (continued....))

In particular, we seek comment on whether the review process could be improved by modifying the format or instructions associated with the following sections of the forms:⁵

- *Identification of Applicant and Consultant.* For both Forms 620 and 621, the applicant must identify contact information for a responsible individual within the company and the principal investigator within the consulting firm conducting the historic-preservation review. The applicant also must submit detailed information about the professional qualifications of each staff member who participated in the analysis. What level of detail is sufficient to validate qualifications? Is a full resume necessary or is abbreviated information within the form itself sufficient?
- *Site Location.* An applicant must identify the location of the proposed deployment with specificity (including the street address, crossroads, and latitude/longitude coordinates), submit maps in various formats, provide additional site information (including additional structures, access roads, utility lines, fences, easements, or other construction planned for the site in conjunction with the proposed deployment), and submit photographs of views in all directions as well as aerial photographs of the Area of Potential Effects (APE). We invite comment on the quantity and quality of information necessary to identify proposed sites, as well as the format in which materials are provided.
- *Information About the Proposed Deployment:* Applicants must submit information about the height of the relevant tower or other structure, a description of the type and other features of the tower (for Form 620) or antennas or other equipment to be collocated (for Form 621), the date of construction of the structure on which collocated equipment is to be mounted (for Form 621), and the status of the project (for both forms). Do the forms and instructions currently require (or encourage) the submittal of sufficiently detailed project information? Does the narrative documentation sufficiently explain relevant technology and define acronyms?
- *Information About Historic Properties.* Both forms generally require applicants to identify and describe all historic properties (*i.e.*, those listed or eligible to be listed in the National Register) within the proposed deployment's relevant APEs, including archeological materials that would be directly affected by the proposed deployment and sites of cultural or religious significance to Tribal Nations or NHOs. In certain circumstances, applicants also must submit a Cultural Resources Report and/or an archeological field survey. Applicants also must provide photographs of each historic property and of views from each such property toward the site of the proposed deployment, and they must describe the techniques and methodologies they used to identify historic properties within the APE for direct effects and the information they gathered through the comments of Tribes, NHOs, local governments, or members of the public regarding historic properties in the APE for visual effects. How could information about historic properties be best presented? How should historic districts be identified? Is identification of each contributing resource needed, or are outer boundaries sufficient for review? Should the forms include blanks for applicants to identify and briefly describe the techniques and methodologies (potentially including field surveys) used to identify and assess effects on any historic properties within the APE, or should applicants continue to submit such information in reports attached to the forms?

We seek comment on possible changes to these and other sections of the forms or instructions that might be beneficial to Reviewers and applicants. We invite commenters to address and, if possible,

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for wireless service providers and infrastructure companies to deploy small cell facilities rapidly in order to densify networks, increase local capacity, and introduce 5G technology across the nation).

⁵ The high-level, general summaries set forth herein are intended to be descriptive, not authoritative. The text of the forms, their instructions, and pertinent Commission orders and rules are the only definitive bases for interpreting their substantive requirements.

to quantify the benefits and detriments of any potential changes to Forms 620, 621, or their instructions, including potential changes to the methods by which forms are accessed, downloaded, and printed out. How could potential changes improve or diminish the quality of the information that SHPOs or THPOs review and analyze to make decisions about proposed undertakings? How could changes to the forms, or the formatting of supplemental information, facilitate the review process? To what extent would any proposed changes increase or reduce the time and effort that applicants and their consultants must devote to gathering, organizing, and presenting the relevant information? To what extent would they affect Reviewers' time and effort? Should differing specifications apply depending on the size, scale, location, or other features of proposed facilities or historic sites?

Batching. Wireless service providers and infrastructure operators sometimes plan to deploy numerous new small antenna structures and collocated equipment rapidly throughout a market area. We seek comment on whether Reviewers could more efficiently or effectively assess the potential impact of groups of similar proposed deployments within a narrowly-defined geographic area if information about all the deployments in the group were presented on a single consolidated submission, and if so, how Forms 620 and 621 could be modified to facilitate such coordinated reviews.⁶ For example, where an applicant proposes to deploy substantial numbers of similar collocations on small structures within a narrowly-defined geographic area, would the review process be simplified by facilitating consolidated submissions of information regarding groups of proposed deployments in a single Form 621 or in separate, linked forms with a shared set of exhibits? If so, what should be the limits of the geographic scope of such consolidated filings? What is the minimum and maximum number of deployments that should be allowed in such a consolidated filing? How should applicants submit information on the locations of each of the individual proposed deployments within a batch? What format should applicants use (e.g., spreadsheets, lists, maps)? Should the Commission's electronic filing systems and databases (i.e., e106 and TCNS) be modified to ensure that Reviewers receive information identifying each location in a batch? Are there specific types of proposed deployments for which such consolidated submissions would or would not be appropriate? Would Reviewers benefit if some information were submitted separately for each individual proposed deployment and other information pertaining to a group of deployments were submitted on a consolidated basis? If so, which information is needed for individual deployments and which information could be consolidated?

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.⁷

- *Electronic Filers:* Comments may be filed electronically using the Commission's Electronic Comment Filing System (ECFS), which can be accessed at <http://www.fcc.gov/ecfs/>.⁸
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁶ Cf. Advisory Council on Historic Preservation, *Notice of Issuance of Program Comment to Tailor the Federal Communications Commission's Review for Undertakings Involving the Construction of Positive Train Control Wayside Poles and Infrastructure*, 79 FR 30861, 30866, § VII.A (May 29, 2014) (establishing comparable process).

⁷ 47 CFR §§ 1.415, 1.419.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th St. SW, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation.

If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules.¹⁰ In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .docx, .xml, .pptx, searchable .pdf).¹¹ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Additional Information. For further information, contact David Sieradzki of the Wireless Telecommunications Bureau at (202) 418-1368 or david.sieradzki@fcc.gov.

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⁹ See 47 CFR §§ 1.1200 *et seq.*

¹⁰ *Id.* § 1.1206(b).

¹¹ *Id.* § 1.49(f).